

County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169



June 2, 2015 **AMENDED**

Deputy Robert Alvarez, #[redacted]

Dear Deputy Alvarez:

Pursuant to Rule 18.01 of the Los Angeles County Civil Service Rules, you are hereby notified that it is the intention of the Sheriff's Department to suspend you without pay from your position of Deputy Sheriff, Item No. 2708A, with this Department, for up to thirty (30) days beyond judgment of a criminal charge pending against you.

The investigation being conducted under File Number IAB IV2366693 may result in further administrative proceedings.

An investigation was conducted by Internal Criminal Investigations Bureau. On May 28, 2015, as a result of this investigation, two (2) Felony counts were filed against you in Los Angeles Superior Court, by the District Attorney's Office, Case # BA436860. The complaint states as follows:

****COUNT 1****

> On or about April 1, 2014, in the County of Los Angeles, the crime of FILING A FALSE REPORT, in violation of PENAL CODE SECTION 118.1, a Felony, was committed by ROBERT ALVAREZ, who did, as a peace officer, file a report regarding the commission and investigation of a crime with the agency which employed the defendant, and knowingly and intentionally included a statement and statements regarding a material matter which the defendant knew to be false.



****COUNT 2****

> On or about April 1, 2014, in the County of Los Angeles, the crime of PERJURY BY DECLARATION, in violation of PENAL CODE SECTION 118(a), a Felony, was committed by ROBERT ALVAREZ, who did unlawfully, under penalty of perjury, declare as true, that which was known to be false, to wit: That "s/[redacted] was contacted regarding jaywalking (21954 (A) (VC)" as stated in the Probable Cause Declaration for Arrest file no. 914-03649-0585-182.

You may respond to the intended action orally or in writing. In the event that you choose to respond orally to these charges, you have already been scheduled to meet with Chief Buddy Goldman on June 29, 2015, at 1300 hours, in his office, located at 4700 Ramona Blvd., Monterey Park, California 91754. If you are unable to appear at the scheduled time and wish to schedule some other time *prior* to June 29, 2015, for your oral response, please call Chief Goldman's secretary at (323) 526-5377 for an appointment.

If you choose to respond in writing, please call Chief Goldman's secretary to cancel your scheduled appointment, and send your response to the facts contained in this letter to Chief Goldman's office *by no later than* June 29, 2015.

Pursuant to Rule 16.01 of the Los Angeles County Civil Service Rules, effective immediately, you are on paid administrative leave which will continue during the fifteen (15) business days you have to respond to the intended action or until the conclusion of your pre-suspension hearing.

Failure to respond to this Letter of Intent within fifteen (15) business days will be considered a waiver of your right to respond and will result in the imposition of the suspension indicated herein.

The decision to proceed with this action was based solely upon the criminal charges enumerated in this letter. There are no additional materials for review. Should you have any questions regarding this action, you may contact the Internal Affairs Bureau at (323) 890-5300.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

JIM McDONNELL, SHERIFF

Original Signed

Donnie L. Mauldin, Captain
Internal Affairs Bureau

DLM:LDP:ldp

cc: Advocacy Unit
Employee Relations Unit
Buddy Goldman, Chief, East Patrol Division
Internal Affairs Bureau
(IAB #2366693)

Effective immediately, pursuant to Civil Service Rule 16.01, you have been placed on administrative leave, with pay, which will continue during the time period you have to respond to the intended action or until the conclusion of your pre-suspension hearing. You are reassigned to your residence and must remain at home Monday through Friday during the hours of 0830 and 1630.

I certify that on the date indicated below, I received the original of the attached **LETTER OF INTENT** under File Number ***IAB2366693.***

06-02-15

Date

Robert Alvarez

Robert Alvarez, # [redacted]

I certify that on the date indicated below, I served the original Letter of Intent to ***Robert Alvarez.***

6/2/15

Date

WITNESS SIGNATURE

WITNESS PRINT

Please return this page to:

INTERNAL AFFAIRS BUREAU
4900 S. EASTERN AVE., #100
CITY OF COMMERCE CA 90040
(323) 890-5300

COUNTY OF LOS ANGELES - SHERIFF'S DEPARTMENT - INCIDENT REPORT

DATE: NOVEMBER 19, 2014 **FILE NO:** 914-00067-2003-441

C: FILING A FALSE POLICE REPORT, 118.1 P.C. **ACTION:** ACTIVE / CASE OPENED

D: APRIL 1, 2014, TUESDAY

L: TEMPLE SHERIFF'S STATION
8838 LAS TUNAS DRIVE
TEMPLE CITY, CALIFORNIA 91780

S-1: ROBERT ALVAREZ
DEPUTY SHERIFF #[redacted]
TEMPLE SHERIFF'S STATION
EAST PATROL DIVISION

S-2: [redacted]
DEPUTY SHERIFF #[redacted]
TEMPLE SHERIFF'S STATION
EAST PATROL DIVISION

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On September 19, 2014, the Sheriff's Department's Internal Criminal Investigations Bureau opened an investigation at the direction of Captain Roderick Kusch regarding an allegation that on April 1, 2014, Deputies Alvarez and [redacted] filed a false police report.

Sergeant Max Godinez was assigned to investigate and document facts in confidential supplementary reports under the above file number.

BY: SERGEANT MAX GODINEZ #[redacted]
APPROVED BY: A/LT. SERGEANT MICHAEL BAILEY #[redacted], , HRS.
INTERNAL CRIMINAL INVESTIGATIONS BUREAU

COUNTY OF LOS ANGELES - SHERIFF'S DEPARTMENT - SUPPLEMENTARY REPORT

DATE: JANUARY 29, 2015

FILE NO.: 914-00067-2003-441

C: FILING A FALSE POLICE REPORT, 118.1 P.C.

ACTION: ACTIVE / INTERVIEWS CONDUCTED

D: APRIL 1, 2014, TUESDAY, 0720 HOURS

L: TEMPLE SHERIFF'S STATION
8838 LAS TUNAS DRIVE
TEMPLE CITY, CALIFORNIA 91780

I: JAMES GARRISON
HEAD DEPUTY
JUSTICE SYSTEM INTEGRITY DIVISION
LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE

S-1: ROBERT ALVAREZ
DEPUTY SHERIFF #[redacted]
TEMPLE SHERIFF'S STATION
EAST PATROL DIVISION

S-2: [redacted]
DEPUTY SHERIFF #[redacted]
TEMPLE SHERIFF'S STATION
EAST PATROL DIVISION

****

EVIDENCE HELD: Internal Criminal Investigation Bureau Evidence Locker

Item #1: Los Angeles County Sheriff's Department Incident Report, URN #914-03649-0585-181, authored by Deputy Alvarez, Urine Specimen Waiver Form, signed by Mr. [redacted] Admonition and Waiver of Rights Form, signed by Mr. [redacted].

The purpose of this report is to provide additional information regarding my investigation into an allegation Deputies Alvarez and [redacted] filed a false police report, and to document the collection of evidence. On April 1, 2014, both deputies participated in the arrest of [redacted] for narcotics violations, reported under Los Angeles County

Sheriff's Department, Uniform Reporting Number (URN) 914-03649-0585-181 **(EXHIBIT D)**. Deputy Alvarez wrote and submitted a report to document the arrest of Mr. [redacted]. Both deputies were assigned to the Temple Sheriff's Station at the time of Mr. [redacted] arrest.

On September 19, 2014, Internal Criminal Investigations Bureau Lieutenant Victor Lewandowski assigned me to investigate this matter. He provided me with a package of documents **(EXHIBITS A through G)** given to him by the Los Angeles County District Attorney's Office, Bureau of Fraud and Corruption Prosecutions, Justice System Integrity Division (JSID).

> **Investigator Note:** For purposes of clarity, each document was referred to individually as a separate exhibit.

Lieutenant Lewandowski also provided me with a digital video disc **(ATTACHMENT A)**. The disc contained video footage captured on surveillance cameras from a nearby business prior to the detention of Mr. [redacted] and Mr. [redacted].

> **Investigator Note:** The original copy of the digital video disc will remain in the investigator file for reference purposes.

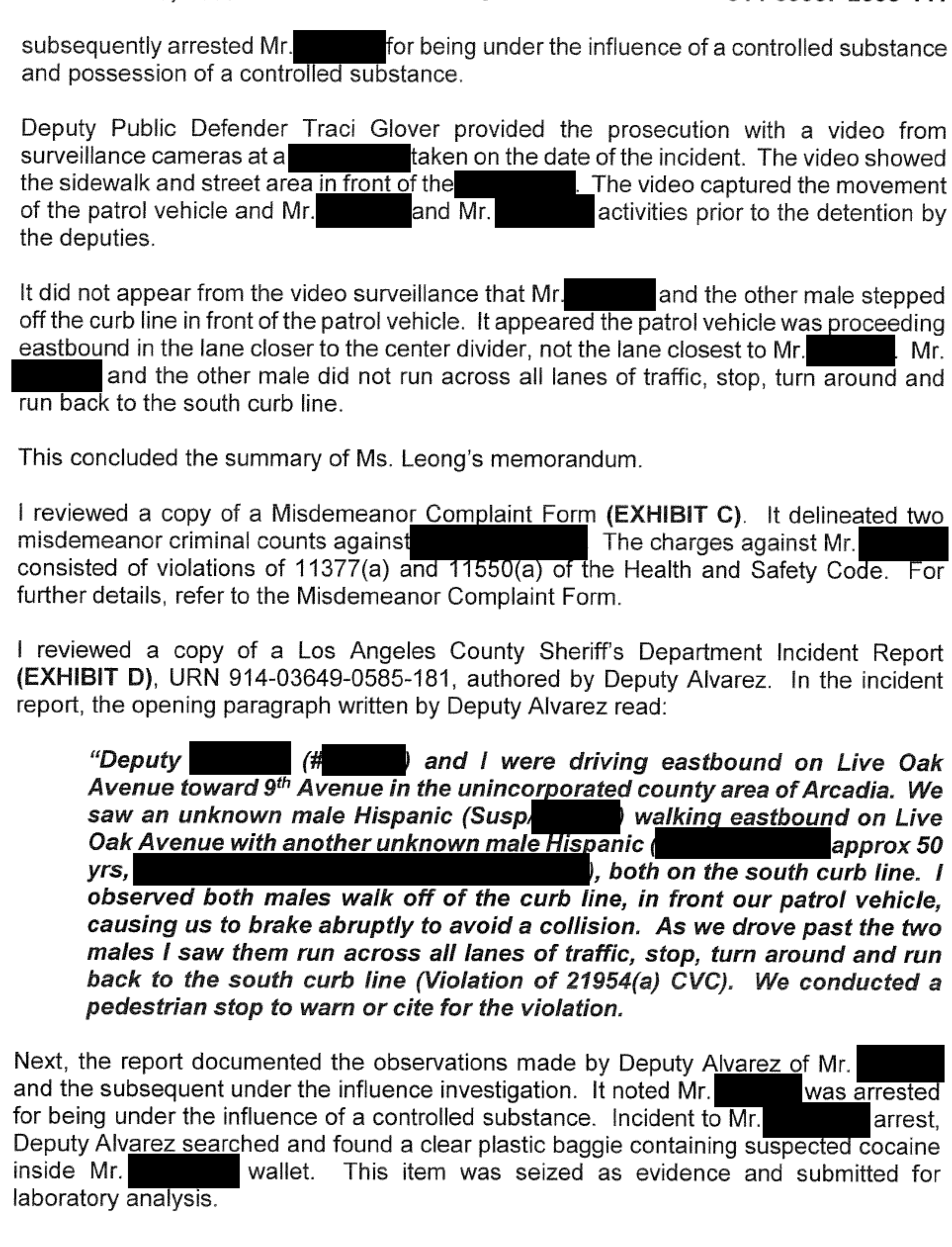
I reviewed each document individually and summarized them as follows.

I reviewed a copy of a letter **(EXHIBIT A)** from JSID Head Deputy James Garrison to Lieutenant Victor Lewandowski, dated September 11, 2014. Head Deputy Garrison stated he received a memorandum **(EXHIBIT B)** regarding a criminal case (Case number 4R101219) involving Deputies Alvarez and [redacted]. For further details, see Head Deputy Garrison's letter.

I reviewed a copy of a memorandum **(EXHIBIT B)** from El Monte District Attorney Kimberly Leong, to Head Deputy James Garrison, dated September 5, 2014. The following is a summary of what was written.

On April 3, 2014, a misdemeanor case was filed as People v. [redacted]. The defendant, [redacted], was charged with violating both 11377 and 11550 of the Health and Safety Code. The arrest report stated Deputies Alvarez and [redacted] saw Mr. [redacted] walking eastbound with another male both along the south curb line. Deputy Alvarez observed both males walk off the curb line, in front of their patrol vehicle, causing the deputies to brake abruptly to avoid a collision.

As they drove past the males, Deputy Alvarez saw them run across all lanes of traffic, stop, turn around and run back to the south curb line (violation of 21954(a) California Vehicle Code). The deputies conducted a pedestrian stop of both males and



subsequently arrested Mr. [redacted] for being under the influence of a controlled substance and possession of a controlled substance.

Deputy Public Defender Traci Glover provided the prosecution with a video from surveillance cameras at a [redacted] taken on the date of the incident. The video showed the sidewalk and street area in front of the [redacted]. The video captured the movement of the patrol vehicle and Mr. [redacted] and Mr. [redacted] activities prior to the detention by the deputies.

It did not appear from the video surveillance that Mr. [redacted] and the other male stepped off the curb line in front of the patrol vehicle. It appeared the patrol vehicle was proceeding eastbound in the lane closer to the center divider, not the lane closest to Mr. [redacted]. Mr. [redacted] and the other male did not run across all lanes of traffic, stop, turn around and run back to the south curb line.

This concluded the summary of Ms. Leong's memorandum.

I reviewed a copy of a Misdemeanor Complaint Form **(EXHIBIT C)**. It delineated two misdemeanor criminal counts against [redacted]. The charges against Mr. [redacted] consisted of violations of 11377(a) and 11550(a) of the Health and Safety Code. For further details, refer to the Misdemeanor Complaint Form.

I reviewed a copy of a Los Angeles County Sheriff's Department Incident Report **(EXHIBIT D)**, URN 914-03649-0585-181, authored by Deputy Alvarez. In the incident report, the opening paragraph written by Deputy Alvarez read:

> ***"Deputy [redacted] (#[redacted]) and I were driving eastbound on Live Oak Avenue toward 9th Avenue in the unincorporated county area of Arcadia. We saw an unknown male Hispanic (Susp[redacted]) walking eastbound on Live Oak Avenue with another unknown male Hispanic ([redacted] approx 50 yrs, [redacted]), both on the south curb line. I observed both males walk off of the curb line, in front our patrol vehicle, causing us to brake abruptly to avoid a collision. As we drove past the two males I saw them run across all lanes of traffic, stop, turn around and run back to the south curb line (Violation of 21954(a) CVC). We conducted a pedestrian stop to warn or cite for the violation.***

Next, the report documented the observations made by Deputy Alvarez of Mr. [redacted] and the subsequent under the influence investigation. It noted Mr. [redacted] was arrested for being under the influence of a controlled substance. Incident to Mr. [redacted] arrest, Deputy Alvarez searched and found a clear plastic baggie containing suspected cocaine inside Mr. [redacted] wallet. This item was seized as evidence and submitted for laboratory analysis.

For further details, refer to the Incident Report written by Deputy Alvarez.

I reviewed a copy of Los Angeles County Sheriff's Department, Scientific Services Bureau, Laboratory Report **(EXHIBIT E)**, Lab Receipt K562447. The report indicated the evidence found in Mr. [redacted] wallet contained "0.316 gram" of powder containing methamphetamine. For further details, refer to the Laboratory Report.

I reviewed a copy of a Los Angeles County Jail Booking package **(EXHIBIT F)**. The forms included in the package documented the arrest and booking of Mr. [redacted]. For further details, refer to the booking package.

The digital video disc **(ATTACHMENT A)** provided to me by Lieutenant Lewandowski included video footage taken from surveillance cameras mounted in the interior and exterior of the "[redacted]" located at [redacted]

> **Investigator Note:** The video footage captured on the digital video disc consisted of forty-eight minutes of footage taken from the surveillance cameras located inside and outside the [redacted]. The video footage begins with a time stamp of 07:12:00 AM, and ends on 08:00:00 AM, with a date of April 1, 2014. I was unable to determine how accurate the time stamp corresponded with the actual time on the day of the incident.

The video footage obtained was from thirteen separate surveillance cameras numbered two through fourteen. Three cameras recorded and documented the traveling patrol car and subsequent contact by the deputies (cameras numbered eleven, twelve and fourteen). These three cameras were located on the exterior roof edge of the "[redacted]." Cameras numbered eleven and twelve faced north and camera fourteen faced northeast.

> **Investigator Note:** The video files on the digital video disc were indexed automatically with an eight-digit number. These numbers were generated by the Digital Video Recorder system. Digits five and six correspond with the two-digit surveillance camera number.

I reviewed the video footage captured by the surveillance cameras at the "[redacted]" The video footage begins with two Hispanic males, later identified as Mr. [redacted] and Mr. [redacted], entering the food mart section of the gas station. Mr. [redacted] wore a light grey sweatshirt, light-colored pants and carried a black backpack. Mr. [redacted] wore a dark grey top and dark blue pants. Mr. [redacted] purchased a beverage and then both men walked out the front door of the location. They continued walking through the parking lot in a northeasterly direction and stopped on the sidewalk at the southwest corner of Live Oak Avenue and 9th Avenue.

At approximately 07:16:31 AM (per the video time stamp), a patrol car appears traveling eastbound on Live Oak Avenue, in the number two lane of traffic (closest to the south curb line of Live Oak Avenue). As the patrol car passed them, Mr. [redacted] reached down to the ground, and appeared to pick something up. The patrol car continued eastbound on Live Oak Avenue and out of view.

The men separated momentarily as Mr. [redacted] walked eastbound to the concrete island separating Live Oak Avenue and the parallel frontage road (southeast corner of Live Oak Avenue and 9th Avenue). A short time later, Mr. [redacted] followed and they both stood on the sidewalk of the concrete island. Shortly thereafter, the patrol car re-appeared traveling westbound on Live Oak Avenue and made a U-turn at the intersection of 9th Avenue. The patrol car stopped and both deputies made contact with Mr. [redacted] and Mr. [redacted].

Comparing what I saw on the surveillance video footage with the incident report written by Deputy Alvarez, I noted the following discrepancies.

- As the deputies drove eastbound on Live Oak Avenue and passed Mr. [redacted] and Mr. [redacted], it does not appear either man stepped off the curb onto the street. They both stepped off the curb after the patrol car had passed.
- After the patrol car passed, neither Mr. [redacted] nor Mr. [redacted] ran across the street, nor did they run back to the south curb line of Live Oak Avenue as stated in the report.

  Investigator Notes: In the video, both men were standing at the south curb line of Live Oak Avenue. After the patrol car passed them, they walked eastbound and crossed 9th Avenue, which is a two-lane residential street. They walked to and stood at a concrete island that separates Live Oak Avenue and a parallel frontage road. This is the location where the deputies contacted them.

On September 24, 2014, Sergeant [redacted] and I drove to the area of Live Oak Avenue and 9th Avenue in unincorporated Arcadia. I took digital photographs **(EXHIBIT G)** of the intersection and surrounding area. I positioned myself on the south curb line of Live Oak Avenue (at the intersection with 9th Avenue) and took photographs from my vantage point looking west, north and east. I also took photographs of camera eleven, which was located on the roof edge of the "[redacted]"

We also canvassed the surrounding residences and business along Live Oak Avenue and 9th Avenue for any surveillance cameras. We did not locate any surveillance cameras in any of these locations. In addition, I obtained a copy of an aerial view **(EXHIBIT H)** of the aforementioned intersection for visual reference purposes.

On September 25, 2014, Attorney **AUDRA CALL**, who was employed at the law firm of Green and Shinee, contacted me. Ms. Call told me she was the attorney representing both deputies and asked I contact her prior to questioning her clients.

On September 25, 2014, I contacted Sergeant **SHERIF MORSI**, who was the Operations Sergeant at Temple Sheriff's Station. I asked him if he could provide me with the original arrest report written by Deputy Alvarez. Later that day, I went to the Temple Sheriff's Station and obtained a package that included the following documents.

- Original Los Angeles County Sheriff's Department Incident Report, URN #914-03649-0585-181, authored by Deputy Alvarez
- Original Urine Specimen Waiver, signed by Mr. [redacted]
- Original Admonition and Waiver of Rights, signed by Mr. [redacted]
- Copy of a Los Angeles County Sheriff's Department, Scientific Services Bureau, Laboratory Report, Lab Receipt K581598, informing the urine sample provided by Mr. [redacted] for analysis showed a positive result for amphetamines **(EXHIBIT I)**
- Copy of a Probable Cause Determination (Declaration), documenting detention and arrest of Mr. [redacted], authored by Deputy Alvarez **(EXHIBIT J)**

I reviewed the original Incident Report, Urine Specimen Waiver, and Waiver of Rights provided by Sergeant Morsi. These documents matched the copies **(EXHIBIT D)** which were provided by JSID. The three documents were seized and placed as evidence into the ICIB Evidence Locker. The copies of the Laboratory Report and Probable Cause Determination were included as **EXHIBITS I and J**.

On October 1, 2014, I spoke with Deputy Public Defender **TRACI GLOVER**, at her office within the El Monte Courthouse, 11234 East Valley Boulevard, El Monte. I told her I was investigating a case where she represented defendant [redacted]. Ms. Glover told me she remembered the case and confirmed she represented Mr. [redacted] in that case.

I asked her to tell me how she came in possession of the surveillance video footage **(ATTACHMENT A)** which depicted the contact between Mr. [redacted] and Deputies Alvarez and [redacted]. Ms. Glover told me sometime after the case was filed, the [redacted] of "[redacted]" contacted her. Mr. Glover said the [redacted] told her Mr. [redacted] was her employee and she had learned of his arrest shortly after it occurred. The "[redacted]" [redacted] told her she walked across the street to the [redacted] and spoke to that [redacted] about the arrest. The [redacted] offered to review his surveillance cameras to see if the contact and arrest of Mr. [redacted] had been captured. Later in the day, the [redacted] contacted the "[redacted]" [redacted] and told her the arrest of Mr. [redacted] was captured on his surveillance cameras.

Ms. Glover said the "[redacted]" [redacted] then contacted her and told her about the surveillance camera footage. Ms. Glover said she sent her investigator, [redacted], to the [redacted] to obtain a copy of the surveillance camera footage taken on April 1, 2014. With the assistance of the [redacted]. Mr. [redacted] downloaded a segment of the

surveillance camera footage onto a digital video disc. Mr. [redacted] copied the surveillance video footage that captured Mr. [redacted] and Mr. [redacted] entering the gas station and the subsequent detention and arrest of Mr [redacted]. Mr. [redacted] then provided Ms. Glover with the digital video disc.

When Ms. Glover reviewed the video footage, she determined what she saw did not match what Deputies Alvarez and [redacted] had written in their arrest report. Ms. Glover then contacted District Attorney Przelomiec, who was assigned to the case, and showed him the video footage. She said District Attorney Przelomiec subsequently made a copy of the video footage for his reference.

After speaking with Ms. Glover, I went to the District Attorney's office, which is also located in the El Monte Courthouse. I contacted District Attorney **PAUL PRZELOMIEC**, who was assigned to prosecute Mr. [redacted]. I told him about my investigation and he told me he remembered this matter. He told me Public Defender Traci Glover approached him and told him she had video footage related to the arrest of Mr. [redacted]. She then showed him the video footage depicting the arrest of Mr. [redacted]. District Attorney Przelomiec said based on what he saw, he asked for and obtained a copy of the footage. He then contacted his supervisor, Deputy-in-Charge, Kimberly Leong. District Attorney Przelomiec said after reviewing the video footage, the decision was made to dismiss the case.

Next, I contacted District Attorney **KIMBERLY LEONG**, who was the Deputy-in-Charge of the District Attorney's Office, El Monte Area Office. I told her about my investigation regarding the arrest and subsequent prosecution of [redacted]. I showed her a copy of a memorandum **(EXHIBIT B)** addressed from her to James Garrison and she confirmed she had authored it.

I asked District Attorney Leong to tell me what she remembered about this case. She told me she remembered the details of the case. She said District Attorney Przelomiec contacted her and told her there was an issue involving the prosecution of Mr. [redacted]. District Attorney Leong said she viewed a copy of the surveillance video footage obtained by District Attorney Przelomiec. She noticed certain parts of what was depicted on the video did not match what was written in the deputies' arrest report. She then contacted her supervisor and told him about this issue. Her supervisor suggested she contact the deputies and ask them about the discrepancies.

District Attorney Leong said she contacted both deputies directly and arranged to meet at her office. On July 17, 2014, she said she met with both Deputies Alvarez and [redacted] She told them about the discrepancies she had discovered in the surveillance video footage. She also showed them the video footage given to her by the defense attorney. District Attorney Leong said Deputy Alvarez told her he looked in the rearview mirror after passing the males and thought they ran across the street. That is when they made a U-turn to contact the males and warn or cite them.

Both deputies told District Attorney Leong they had no animus toward Mr. [redacted] and thanked her for discussing the matter with them. I asked District Attorney Leong if she had asked either deputy if they had braked to avoid colliding with the males. District Attorney Leong told me she did not ask them about that specific issue or anything else.

On November 3, 2014, 1405 hours, Sergeant [redacted] and I spoke with [redacted] at the "[redacted]" business located at [redacted]. I told Mr. [redacted] we were from the Los Angeles County Sheriff's Department, Internal Criminal Investigations Bureau. At the request of Mr. [redacted], we conducted the interview in Spanish. The interview was digitally recorded and summarized as follows.

Mr. [redacted] said his co-worker Mr. [redacted] picked him up from the Highland Park Metro station and brought him to work. After they parked, they went to the "[redacted]" to buy some coffee. After they bought the coffee, they were going to cross the street to return to work. As they were waiting, they saw a patrol car pass by. The police officers (deputies) turned and looked in their direction.

The deputies who had passed earlier returned and contacted them. The deputies asked them where they were going. They told the deputies they were going to work. I asked Mr. [redacted] if the deputies spoke to him in English or Spanish. He said one deputy spoke to him using a little Spanish. I showed Mr. [redacted] photographs **(EXHIBITS K and L)** of the involved deputies to ascertain if he could identify either one. Mr. [redacted] identified Deputy [redacted] **(EXHIBIT L)** as the one he believed spoke Spanish to him that day.

Mr. [redacted] said the deputies never told them why they stopped to talk to them. He said they proceeded to search both he and Mr. [redacted]. Next, they placed them both in the backseat of the patrol car. After some checking on the computer, the deputies told Mr. [redacted] they were going to take his friend to jail and he needed to leave. Mr. [redacted] identified a photograph **(EXHIBIT K)** of Deputy Alvarez as the one who told him to leave. Mr. [redacted] said he asked why they were going to take Mr. [redacted] and was told, "they found something on him." Mr. [redacted] said later, after Mr. [redacted] release from jail, he asked him what happened. He said Mr. [redacted] told him, "I didn't have anything, I don't know."

I asked Mr. [redacted] if he or Mr. [redacted] had been drinking any alcoholic beverages the night before the incident. He said Mr. [redacted] did not drink (alcoholic beverages). I asked him if he knew whether Mr. [redacted] used drugs. Mr. [redacted] told me he had never seen Mr. [redacted] use drugs and to his knowledge, he did not use drugs.

For details, refer to the complete transcript **(EXHIBIT M)** of Mr. [redacted] interview.

At 1430 hours, Sergeant [redacted] and I spoke with [redacted], also at the "[redacted]" business. I told Mr. [redacted] we were from the Los Angeles County Sheriff's Department, Internal Criminal Investigations Bureau and we wanted to speak to him

regarding his prior arrest. At the request of Mr. [redacted] we conducted the interview in Spanish. The interview was digitally recorded and summarized as follows.

Mr. [redacted] said he was on his way to work with a co-worker when the police stopped them. He said he was told they were stopped because they looked "suspicious." I showed Mr. [redacted] photographs **(EXHIBITS K and L)** of the involved deputies to ascertain if he could identify either one. Mr. [redacted] did not recognize the deputies depicted in the photographs.

Mr. [redacted] said one of the deputies asked him if he would submit to a drug test. Mr. [redacted] said he would. He said his co-worker, [redacted] was eventually released and told to leave. Mr. [redacted] told us he provided a urine sample but believed it was lost.

Mr. [redacted] said when he spoke to his lawyer, she told him the deputy said he stopped them because he almost hit him as they were crossing the street. Mr. [redacted] said that statement was a lie. Mr. [redacted] said the deputy later changed his story and said there were reports of two men robbing apartments, and Mr. [redacted] and [redacted] were suspects. Mr. [redacted] said the case against him was eventually closed after some videos were obtained which showed the deputy had no motive to stop him.

I explained to Mr. [redacted] his urine sample was tested and it showed the presence of amphetamines. Mr. [redacted] explained he had taken pain medication four days prior to his arrest. I told Mr. [redacted] the pain medication was not what the test results showed. When I asked him specifically about using methamphetamine, Mr. [redacted] said he last used when he was in Mexico, but he had not used any here (in the U.S.). He also denied possessing any drugs on the day he was arrested.

For details, refer to the complete transcript **(EXHIBIT N)** of Mr. [redacted] interview.

On November 10, 2014, I called attorney Audra Call and told her I wanted to speak to her clients, Deputies Alvarez and [redacted], regarding my investigation. She told me she would contact both deputies and email me their response.

On November 10, 2014, I received an email **(EXHIBIT O)** from attorney Audra Call. In the email, she stated she had informed her clients, Deputies Alvarez and [redacted] regarding my request to speak with them about this investigation. Based on her advisement, both deputies declined to be interviewed and provide a statement regarding this investigation.

BY: SERGEANT MAX GODINEZ #[redacted]
APPROVED BY: LT. LAWRENCE GREGG, #[redacted] 02/18/2015, 1415 **HOURS**
INTERNAL CRIMINAL INVESTIGATIONS BUREAU

225812

COUNTY OF LOS ANGELES - SHERIFF'S DEPARTMENT - SUPPLEMENTARY REPORT

DATE: JUNE 27, 2016 **FILE NO.:** 914-00067-2003-441

C: FILING A FALSE POLICE REPORT, 118.1 P.C. **ACTION:** INACTIVE / CASE CLOSED

D: APRIL 1, 2014, TUESDAY, 0720 HOURS

L: TEMPLE SHERIFF'S STATION
8838 LAS TUNAS DRIVE
TEMPLE CITY, CALIFORNIA 91780

S1: ROBERT ALVAREZ, DEPUTY #[redacted]
TEMPLE SHERIFF'S STATION
EAST PATROL DIVISION

S2: [redacted], DEPUTY #[redacted]
TEMPLE SHERIFF'S STATION
EAST PATROL DIVISION

I: JAMES GARRISON
HEAD DEPUTY
JUSTICE SYSTEM INTEGRITY DIVISION
LOS ANGELES COUNTY DISTRICT
ATTORNEY'S OFFICE

****

On May 28, 2015, Deputy District Attorney (DDA) Martha Carrillo, assigned to the Justice System Integrity Division of the Los Angeles County District Attorney's Office filed two felony charges against Deputy Robert Alvarez. On June 8, 2015, DDA Carrillo declined to file charges against Deputy [redacted] due to lack of sufficient evidence.

In a subsequent court proceeding on June 21, 2016, Deputy Alvarez pled no contest to one misdemeanor charge and sentenced to three years formal probation.
(See Minute Order under **MISCELLANEOUS**.)

Based on the above, the Internal Criminal Investigations Bureau case was closed on June 27, 2016.

BY: SERGEANT [redacted] #[redacted]
APPROVED BY: LIEUTENANT LARRY GREGG #[redacted]
INTERNAL CRIMINAL INVESTIGATIONS BUREAU

07/08/16

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

ADMINISTRATIVE
INVESTIGATIVE SUMMARY

DATE / TIME: April 1, 2014 / 0720 hours

LOCATION: Live Oak Avenue / 9th Avenue, Arcadia

IAB #: **IV2366693**

SUBJECT: [redacted] # [redacted]
Deputy Sheriff Generalist
Temple Station

ALLEGATION

Subject [redacted] was listed as the second deputy on an arrest report which was later alleged to have contained false information.

INVESTIGATIVE SUMMARY

On April 1, 2014, Subject [redacted] and his partner, former Deputy Robert Alvarez # [redacted] (referred as Deputy Alvarez in this report), were working Temple Unit 52B1. Subject [redacted] was driving and Deputy Alvarez was the passenger, commonly referred to as the "book man." They arrested Suspect [redacted] for narcotics violations at the corner of Live Oak Avenue and 9th Avenue in the unincorporated area of Arcadia. The arrest was documented under file #914-03649-0585-181. The Probable Cause Declaration was hand written and the complaint report (Sh-r-49) was typed, both by Deputy Alvarez, listing Subject [redacted] as the second assigned deputy.

According to the arrest reports, the deputies saw two males step off the curb in front of their patrol car causing them to brake to avoid a collision. The deputies continued their travel as Deputy Alvarez noted a jaywalking violation. They made a U-turn to detain the suspects for the violation. Suspect [redacted] was found to be under the influence of narcotics and in possession of narcotics.

The case against Suspect [redacted] was filed by Kimberly Leong, Deputy in Charge of the Los Angeles County District Attorney's Office on April 3, 2014. Subsequent to the filing, Deputy Public Defender Traci Glover provided the prosecution with a copy of surveillance video from a [redacted] which recorded the detention and arrest. It was believed the video was contradictory to the events described in the police report. Specifically, the video did not show the males had stepped off the curb in front of the patrol car, nor that the two males ran across all lanes of traffic as indicated in the report.

On July 17, 2014, Ms. Leong met with Subject [redacted] and Deputy Alvarez to discuss the arrest report and video. After watching the video, Deputy Alvarez told the District Attorney, "*he (Alvarez) looked in the rear view mirror after passing the males, saw movement and thought they ran across the street.*" Based on the discrepancy, the District Attorney's Office dismissed the case against [redacted] on August 7, 2014. Ms. Leong submitted a memorandum to the Justice System Integrity Division (JSID) of the District Attorney's Office regarding the discrepancy between the report and the video and her discussion with Subject [redacted] and Deputy Alvarez. JSID Head Deputy James Garrison forwarded the memorandum, DVD, and supporting documents to the Internal Criminal Investigations Bureau (ICIB) of the Los Angeles County Sheriff's Department.

> Note- The memorandum submitted to JSID by Ms. Leong incorrectly described that it appeared in the video, "the patrol car was proceeding in the lane closer to the center divider, not the lane closest to [redacted] (3rd paragraph, Exhibit B of ICIB book)." This mistake of fact was clarified by the ICIB investigator who noted the patrol car was in fact in the number two lane, closest to the curb line.

Members of ICIB conducted a criminal investigation for filing a false police report, 118.1 PC. The case was submitted to the District Attorney and on May 28, 2015, two felony charges were filed against Deputy Robert Alvarez. On June 5, 2015, Deputy District Attorney Martha Carrillo declined to file charges against Subject [redacted], stating in a charge evaluation worksheet, *"Deputy [redacted] did not write the arrest report in question and there is insufficient evidence to prove he knew what his partner Deputy Robert J. Alvarez was going to write in the arrest report or that they had an agreement as to what Deputy Alvarez would write in the arrest report."* In a subsequent court proceeding on June 21, 2016, Deputy Alvarez pled no contest to one misdemeanor charge and was sentenced to three years formal probation. Deputy Alvarez later resigned from the Department. Based on the plea agreement, the Internal Criminal Investigations Bureau case was closed on June 27, 2016. On the advice of counsel, Subject [redacted] did not speak with criminal investigators regarding this incident.

> Note – The complete ICIB book received by Temple Station is included in this case as **Exhibit A**. All the documents related to the criminal investigation as well as the video disc are contained as exhibits within the ICIB book.

The Unit Level Administrative Investigation for Subject [redacted] was assigned on August 9, 2016. The Unit Level Investigator read the ICIB book (Exhibit A) and viewed the videos submitted with the case. The video appears to be of somewhat poor quality, noting intermittent skips or pauses of moving objects depicted in the frames.

> Note- Pausing or skips in video are often caused by memory overload when there is too much motion for a camera to capture, based on its current available memory space.

The Unit Level Investigator noted on the video, one of the males appears to quickly bend down, reaching for the ground at the exact moment the radio car passed. The radio car appears to be traveling at speeds consistent with other motorists. The speed limit on Live Oak Avenue is 40mph. The radio car proceeds out of camera view and one of the males is seen walking eastbound and separating from the other male. The male who remained at the original corner is seen stepping off the curb in a northerly direction as he faces north. He then turns completely around and steps back onto the curb from where he came and proceeds to walk eastbound toward the other male who had already crossed 9th Avenue. The two males worked at "[redacted]" directly across the street from the [redacted] which they were coming from.

> Note- The disc submitted by ICIB in Exhibit A included several video files. The video file which best depicts the incident is titled 07121100. The incident begins at timestamp 07:16:31.

On August 18, 2016, Subject [redacted] was interviewed as part of the administrative investigation. Prior to this day, he had not given any statements regarding his involvement or knowledge of the contents of the arrest report. On the day of April 1, 2014, Subject [redacted] was driving and Deputy Alvarez was the passenger. He was driving eastbound on Live Oak Avenue when they observed two males walking toward the southwest corner. As they passed the males, Subject [redacted] and his partner had a discussion that if any of the males jaywalked, his partner would inform him so they could make a U-turn to contact the males for the violation. Subject [redacted] continued driving eastbound and at some point he placed the patrol car in the center lane in preparation to make a U-turn. Deputy Alvarez told him to go back, inferring there was a violation, although Subject [redacted] could not recall the exact words Deputy Alvarez used. Subject [redacted] made a U-turn and contacted Mr. [redacted] and the other male.

Subject [redacted] did not recall seeing anyone step off the curb in front of his patrol car causing him to brake (as described in the report) nor did he see anyone jaywalk. He made the U-turn based on his partner's statement to go back because of the violation. Subject [redacted] did not know if his partner saw the violations by turning his head or by looking in the rearview mirror. Subject [redacted] was concentrating on driving. Upon contacting the two males, Subject [redacted] took a role as the cover deputy while Deputy Alvarez conducted the search and located the narcotics. They arrested [redacted] and he was transported to the station for booking.

Deputy Alvarez did the majority of the work, including writing the Probable Cause Declaration and the complaint report (Sh-r-49). Subject [redacted] could not recall specifically, but believed he may have helped with the booking packet. Subject [redacted] did not read the reports generated by Deputy Alvarez. This was due in part because they had more than one report to write that day and [redacted] wrote one of the other reports, while Alvarez wrote the report in question. The first time Subject [redacted] read the report was during a meeting with Deputy District Attorney Leong in July, 2014, and even then, he only briefly glanced at it. The cause of the meeting was not of concern to Subject [redacted] He assumed the district attorney needed clarification on the case and was not aware the district attorney had concerns of wrongdoing. It was at this meeting, he learned for the first time, there was video of the incident. D.D.A. Leong showed them a 7-10 second video and spoke to both of them up until the video showed the radio car pass the males. From that point forward in the video, D.D.A. Leong directed her questions to Deputy Alvarez. Even after watching the video and the conversation with D.D.A. Leong, Subject [redacted] did not have any concern he or his partner had done anything wrong. Deputy Alvarez did not appear concerned nor did he make any comments of concern. Deputy Alvarez never told Subject [redacted] he had falsified the report nor did Subject [redacted] believe Deputy Alvarez intentionally or maliciously falsified the report.

> **Note-** The report written by Subject [redacted] is documented under file number 914-03660-0590-183. The report is attached to this case in **Miscellaneous Documents** for reference purposes.

Subject [redacted] read the full report for the first time, approximately 11 months after he had been relieved of duty, during a meeting with an attorney's assistant from Green & Shinee. As he read the report in detail, the only thing concerning was the description that he "braked to avoid a collision," because he did not recall doing that. The description of the two males jaywalking was not a concern since he had not seen it and there was no reason not to believe his partner.

Prior to April 1, 2014, Subject [redacted] and Deputy Alvarez had been partners approximately four times a week, for approximately nine months. Subject [redacted] trusted his partner and never had reason to distrust him nor reason to question Deputy Alvarez's ethics. At the time of this incident, Subject [redacted] had 12 years of experience working patrol and would not have tolerated falsification of a police report.

The following interview summaries are based on statements given during audio recorded interviews. For complete and detailed statements, refer to the digital audio recorded files, which are included in this investigation.

WITNESS INTERVIEWS SUMMARY

Robert Alvarez:

Former Deputy Sheriff, Robert Alvarez #[redacted], resigned from the Los Angeles County Sheriff's Department effective June 20, 2016, and he did not return calls to be interviewed. During a phone conversation with Elizabeth Gibbons from the Law Office of Green & Shinee, she informed me she represented Robert Alvarez and she would be advising him not to interview. On August 13, 2016, the unit level investigator received an e-mail from Ms. Gibbons regarding Robert Alvarez, which stated in part, "Based upon his resignation, he would not agree to participate in an interview for this administrative investigation (**See Miscellaneous Documents for e-mail**).

SUBJECT INTERVIEW SUMMARY

Deputy [redacted] #[redacted]:

Subject [redacted] was interviewed on August 18, 2016, at Temple Station. He was represented by Attorney Amanda Waters from the Law Office of Green & Shinee.

On April 1, 2014, Subject [redacted] was working 52B1 with Deputy Robert Alvarez and they had been partners for approximately nine months. They were assigned to work overtime in a burglary suppression unit. On this particular day, Subject [redacted] was the driver of the patrol car and Deputy Alvarez was the book man. The arrangement was made primarily because of [redacted] seniority over Alvarez. Subject [redacted] believed he had an understanding with his partner regarding who performed which tasks while in the patrol car together, based on Department wide standards. As the driver, Subject [redacted] primary role was to drive safely from point A to point B, while the book man was responsible for direction, observations, paper work, etc.

He was driving eastbound on Live Oak Avenue when they observed two males walking toward the southwest corner. As they passed the males, Subject [redacted] and his partner had some sort of discussion that if any of the males jaywalked, his partner would inform him so they could make a U-turn to contact the males for the violation. Subject [redacted] continued driving eastbound and at some point shortly after he placed the patrol car in the center lane in preparation to make a U-turn. Deputy Alvarez told him to go back, inferring there was a violation, although Subject [redacted] could not recall the exact words Deputy Alvarez used. Subject [redacted] made a U-turn and contacted Mr. [redacted] and the other male.

Subject [redacted] did not recall seeing anyone step off the curb in front of his patrol car causing him to brake (as described in the report) nor did he see anyone jaywalk. He made the U-turn based on his partner's statement to go back because of the violation. Subject [redacted] did not know if his partner saw the violations by turning his head or by looking in the rearview mirror. Subject [redacted] was concentrating on driving. Upon contacting the two males, Subject [redacted] took a role as the cover deputy while Deputy Alvarez conducted the search and located the narcotics.

Subject [redacted] last spoke with Deputy Alvarez on May 28, 2015, when Deputy Alvarez told him he had been relieved of duty and that Subject [redacted] would be relieved as well, upon his return to work from vacation.